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HONOURABLE SRI JUSTICE B.PRAKASH RAO
AND
HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO:23198 of 2006

DATED: 08-11-2006

Between:

1. M.A.Rasheed and another

..... PETITIONERS

AND

1. The Principal Secretary to Government, Forest V Department, Government of Andhra Pradesh, Secretariat Buildings, Hyderabad and another

.....RESPONDENTS

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ORDER:(per The Hon'ble Sri Justice Ramesh Ranganathan)

Aggrieved by the order of the Tribunal, in O.A.No.6660 of 2006 dated 02-11-2006, whereby a challenge to the orders of transfer by the petitioner/applicants was negatived, the present writ petition is filed.

The Tribunal, relying on the judgment of the Apex Court in

State of Uttar Pradesh v. Gobardhan Lal[1]**,** held that employees have no right to question orders of transfer unless it is contrary to the Service Rules or Act or is *mala fide.* The Tribunal held that guidelines would not create any right to approach the Tribunal, even if they are violated, and the remedy of the affected persons is only to make a representation to the competent authority to consider their case in accordance with the guidelines. The Tribunal negatived the request of the petitioners to be continued in the very same place in which they were working and held that the petitioner/applicants were at liberty to make a representation to higher authorities to consider their case in the light of Para-4 of the Annexure to G.O.Ms.No.648 dated 15-09-2004 including on health grounds and that necessary orders may be passed on such representation.

Sri G.Vidya Sagar, learned counsel for the petitioners, would submit that despite working for several years in the Wild Life Department, and though there were several other employees who did not put in any service in the said department, the petitioners have again been transferred to the Wild Life Department. Learned counsel would submit that while the Tribunal had directed that the representation be considered, no time frame was fixed in this regard.

We see no reason to interfere with the orders of the Tribunal,

for it is well settled that the jurisdiction of Courts or Tribunals, in interfering with orders of transfer, is extremely limited and except in cases of violation of statutory provisions or on established *mala fides* or where the order is passed by an incompetent authority, Courts/Tribunals would, normally, not interfere.

The order of the Tribunal is confirmed. We, however, find considerable force in the submission of Sri G.Vidya Sagar that the representations submitted by the petitioners should be disposed of by the competent authority. Learned counsel would submit that such a representation was submitted on 25-10-2005.

The respondents are, accordingly, directed to dispose of the said representation, as expeditiously as possible, in any event, not later than four weeks from the date of receipt of a copy of this order.

Subject to the above observations, the writ petition is disposed of. However, in the circumstances, without costs.

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B.PRAKASH RAO, J

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RAMESH RANGANATHAN, J

08th November, 2006

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[1] 2004 (3) S.L.R. 239